

E-Filed 04/01/2008

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LIJU WENG,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security; ROBERT S.
MUELLER, Director of Federal Bureau of
Investigation,

Defendants.

Case Number C 08-00931 JF/PVT

ORDER¹ TO SHOW CAUSE

[re: docket no.1]

On February 13, 2008, Plaintiff Liju Weng ("Plaintiff") filed the instant "Petition For Hearing On Naturalization Application Under 8 U.S.C. § 1447(b)." ² Plaintiff alleges that Defendants have excessively delayed the processing of his application for naturalization.

¹ This disposition is not designated for publication and may not be cited.

² Per 8 U.S.C. § 1447(b), if a decision to grant or deny an application for naturalization is not made "before the end of the 120-day period after the date on which the examination is conducted," the applicant may file suit in the United States district court for the district in which the applicant resides.

1 Plaintiff alleges the following facts: Plaintiff resides in Union City, California. On
2 August 31, 2005, Plaintiff filed an N-400, Application for Naturalization, with the United States
3 Citizenship and Immigration Services ("USCIS"). On January 27, 2006, Plaintiff was examined
4 on his application for naturalization, which he passed. Plaintiff has met all eligibility
5 requirements for naturalization. More than two years have passed since Plaintiff successfully
6 completed his examination and his application has yet to be adjudicated.

7 Plaintiff requests that the Court exercise its authority to adjudicate his application or to
8 remand to Defendants with instructions to process his application immediately. Good cause
9 therefore appearing, IT IS HEREBY ORDERED as follows:

10 (1) The Clerk of the Court shall serve by certified mail a copy of the complaint and a
11 copy of this Order upon counsel for Defendants, the United States Attorney. The Clerk of
12 the Court shall also serve a copy of this Order upon Plaintiff.

13 (2) Defendants shall, within sixty (60) days after receiving service of the complaint,
14 file and serve upon Plaintiff an answer, showing cause why the relief prayed for should
15 not be granted.

16 (3) Plaintiff may file a response to the matters raised in the answer within twenty (20)
17 days after receiving the answer.

18 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon
19 the filing of the response or upon the expiration of time to file a response.

20
21 DATED: April 1, 2008

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23 
24 JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

2 Justin X. Wang

3 111 Pine Street, Suite 1350

4 San Francisco, CA 94111

5 Office of the United States Attorney

6 150 Almaden Blvd., Suite 900

7 San Jose, CA 95113

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